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TO: CITY OF NEWPORT BEACH- PLANNING COMMISSION

FROM: Denys Oberman- resident and stakeholder

COMMENTS- January 17,2013 PLANNING COMMISSION AGENDA:

PUBLIC HEARING ITEM #4: Existing City Hall Complex Reuse Amendments PA 2012-031

Staff has submitted a Mitigated Negative Declaration(MND) in connection with the proposed amendments to the General Plan, Coastal Land Use Plan, and Zoning Code to change the Land Use and zoning designation from "Public Facilities" to "Mixed Use". The amendment proposes to include additional land use and development standards to facilitate a "future mixed use project" that could include up to 99 apartments, 15,000 sq. feet of retail commercial area, and up to 99,675 sq ft. of hotel uses.

I have reviewed the MND document, the comments of R. Hawkins and the Coastal Commission analyst, and related responses. There are numerous inconsistencies and flaws in logic in the MND and staff's proposed Amendments, which I summarize briefly below.

1. The Design Guidelines , as staff points out, are NOT a regulatory document. Furthermore, they do not properly reflect the input or desires of the community. The Guidelines are NOT a Master Plan or any other binding document, and should not be relied upon for any planning or development recommendation.
These Guidelines should not be referenced or relied upon by the Planning Commission , decision making body, the public, or potential developer, as they would be misleading.
2. At some points, the MND recites that the proposed Amendments have no material environmental impact. There is with certainty, significant environmental impact associated with ANY of the proposed reuses. If for no reason other than the scale inherent in any of the contemplated reuses, in combination with the fact that the site is in the Coastal zone, there will environmental impacts that need to be identified and assessed, and for which mitigation needs to be defined. The Environmental Impact discussion is inadequate .

There are certain types of Environmental impact which will occur regardless of the specific ultimate use/mix of uses. These can certainly be studied and mitigation proposed based on a range of intensification and character of use:

- A) Traffic levels and flow- there can be no doubt that the entire area's ingress and egress will be impacted by the proposed Use/s. There are dense, residential neighborhoods in close proximity. After the city's declaring that density should be reduced for safety, traffic flow, and aesthetics, the City has allowed Increased density in the area over the past 5-6 years. While the proposed reuse provides significant economic and social benefit to the city, the community and the public, and affords continued access to the coastal access, it adds to the already-existing need to improve

roadways and traffic circulation plans. This is true both to support commerce and recreation and daily life activities of visitors, and those of local residents and merchants.

A large residential use such as that proposed will require more traffic mitigation and parking accommodation than a Hotel use.

We believe that it is important for the Planning Commission to take a lead in assuring careful study and guidance regarding the preferred Use direction to the City Council.

- B) Water/sewer-The additional requirement needs to be studied with mitigation plan, to assure adequate infrastructure and service.
- C) Height restrictions- To optimize the land asset, and provide open space, the recommendation to grant additional Height is, we believe, a sound land use and environmental planning proposal. There are no current residences where coastal scenic views would be obstructed as the result of a 6-7 story building. Nonetheless, a shade study should be done.

Other areas of environmental impact also need to be diligently assessed to assure CEQA compliance, and prevent unnecessary costly delays or change of direction later in the process.

We request that the Commission deny approval of the proposed MND, and remand to staff to redo, along with consideration of a proper Amendment to the General and area's Specific Plan.

Thank you.